ENTERED

August 02, 2019
David J. Bradlev, Clerk

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS GALVESTON DIVISION

THERESA B. GERKE	§	
	§	
Plaintiff.	§	
	§	
	§	
VS.	§	CIVIL ACTION NO. 3:19–CV–00005
	§	
DEUTSCHE BANK NATIONAL	§	
TRUST COMPANY, AS TRUSTEE	§	
FOR NOVASTAR MORTGAGE	§	
FUNDING TRUST, SERIES 2007-1	§	
	§	
Defendant.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION

Pending before the Court are Plaintiff's Objections to Magistrate Judge's Report and Recommendations on Defendant's Motion to Dismiss ("Objections"). Dkt. 22. On June 24, 2019, Defendant's Motion to Dismiss Plaintiff's Amended Complaint and Brief in Support (Dkt. 11) was referred to Magistrate Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1)(B). *See* Dkt. 20. On July 8, 2019, Judge Edison filed a Memorandum and Recommendation (Dkt. 21) recommending that Defendant's Motion to Dismiss Plaintiff's Amended Complaint and Brief in Support (Dkt. 1) be **GRANTED**.

On July 22, 2019, Plaintiff filed her Objections. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may

"accept, reject, or modify, in whole or in part, the findings or recommendations made by

the magistrate judge." *Id.*; see also FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and

Recommendation; the pleadings; and the record. The Court ACCEPTS Judge Edison's

Memorandum and Recommendation and ADOPTS it as the opinion of the Court. It is

therefore **ORDERED** that:

(1) Judge Edison's Memorandum and Recommendation (Dkt. 21) is

APPROVED AND ADOPTED in its entirety as the holding of the Court;

(2) Defendant's Motion to Dismiss Plaintiff's Amended Complaint and Brief

in Support (Dkt. 11) is **GRANTED**; and

(3) Defendant Deutsche Bank National Trust Company, as Trustee for NovaStar Mortgage Funding Trust, Series 2007-1 NovaStar Home Equity

Loan Asset-Backed certificates, Series 2007-1 is **DISMISSED** from the

case with prejudice.

It is so **ORDERED**.

SIGNED at Galveston, Texas, this 2nd day of August, 2019.

George C. Hanks Jr.

United States District Judge

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